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MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION DECEMBER 6, 2006

Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Vice-Chair Lenny Levy, Commissioners Matthew Hopkins, Lloyd Kaufman, and Danny Winborne, City Attorney Cathy Borten, Planning and Code Administration Director Greg Ossont, Community Planning Director Trudy Schwarz, Planners Jacqueline Marsh and Patricia Patula, and Recording Secretary Myriam Gonzalez.

I. APPROVAL OF MINUTES

November 1 and 15, 2006, Planning Commission Meetings

Vice-Chair Levy moved, seconded by Commissioner Winborne, to APPROVE the Minutes of the November 1, 2006, Planning Commission Meeting, as submitted this evening.

Vote: 5-0

Commissioner Kaufman moved, seconded by Vice-Chair Levy, to APPROVE the Minutes of the November 15, 2006, Planning Commission Meeting, as submitted this evening.

Vote: 5-0

II. CONSENT

SP-05-0010 --	Towns at Summit Woods	R-20 Zone
	70 West Deer Park Road	
	130 Townhouse Development (TND Option)	
	EXTENSION OF FINAL PLAN APPROVAL	

Vice-Chair Levy moved, seconded by Commissioner Winborne, to APPROVE the Consent Agenda.

Vote: 5-0

III. SITE PLANS

AFP-06-052 --	Rachel Carlson Elementary School	MXD Zone
	100 Tschiffely Square Road	
	Portable Classroom	
	AMENDMENT TO FINAL PLAN REVIEW	

Planner Marsh located the property and introduced the applicant.

Division of Construction Director James Song, Montgomery County Public Schools (MCPS), presented the proposed rendered plan and discussed this proposal for adding a portable

classroom to the three existing on the site. In response to Chair Bauer, Mr. Song discussed the criteria for choosing the location of the portable on the property.

There was no testimony from the public.

Ms. Marsh voiced staff's recommendation for approval, as the plan complies with Zoning Ordinance §§ 24-170 and 24-172.

Chair Bauer voiced a concern over the impact on students, since play areas/access are often reduced in size due to the locations where the portables are placed. Commissioners Hopkins and Levy shared the concern. Commissioner Hopkins raised another concern over safety, as the trailers might create dark corners and/or areas that block the visibility of children. Mr. Song noted that alternate locations were considered for this plan, and the proposed location was the site with the least impact.

Vice-Chair Levy moved, seconded by Commissioner Winborne, to grant AFP-06-052 - Rachel Carlson Elementary School, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170 and 24-172.

Vote: 5-0

Chair Bauer recommended including school issues such as space availability and use in Master Plan considerations.

SP-06-0011 --	Riley Property	R-B Zone
	10 Brookes Avenue	
	Conversion of Residence to Office with Parking	
	PRELIMINARY/FINAL PLAN REVIEW	

Planner Patula located this site and introduced the applicant.

Engineer for the applicant, David McKee, Benning Associates, Inc., presented the proposed plan and discussed details of the plan, including the vehicular and building access, parking, storm water management, lighting and landscaping. He noted the application includes two waiver requests for the 12-foot wide and 15-foot wide driveway portions (20 feet required), and a parking waiver of one space (9 required).

In response to Vice-Chair Levy, Community Planning Director Schwarz noted that on-site traffic is not a concern with the driveway widths. In response to Commissioner Winborne, Ms. Patula indicated that City Traffic Engineer Mumpower had noted that installing a convex mirror to allow the view of incoming traffic could be an option at the applicant's discretion. Commissioner Kaufman suggested considering some protective measure at the corner of the garage since it is a historic structure.

Architect for the applicant, Thomas Taltavull, presented rendered elevations, discussed the architectural details, including a handicap ramp, new entrance door, and interior egress stairs and roof modifications. He noted that the house will retain its historic appearance and that no changes were made since the Commission's conceptual review in October 2006.

There was no testimony from the public.

Ms. Patula noted the plan complies with the approval criteria in the City Code and reviewed the conditions recommended by staff.

The Commission discussed additional language to address the comments of Commissioners Kaufman and Winborne as discussed above and moved as follows:

Vice-Chair Levy moved, seconded by Commissioner Winborne, to grant SP-06-0011 - Riley Property, FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-40, 24-170 and 24-171, with the following conditions:

1. The Planning Commission is to grant the following waivers:
 - a. A waiver of one (1) parking space of the required nine (9) spaces.
 - b. A waiver of eight (8) feet of the required 20 feet for the entrance driveway.
 - c. A waiver of five (5) feet of the required 20 feet for the distance between the house and garage at the turning point of the driveway;
2. Applicant is to obtain approval from the Department of Public Works, Parks Maintenance, and Engineering of the final storm water management plan, the sediment control plan, and the lighting plan prior to the issuance of any permits;
3. Applicant is to obtain approval from staff of the final forest conservation plan prior to the issuance of any permits;
4. Applicant is to fulfill WSSC requirements prior to the issuance of any permits;
5. Applicant is to submit for review and have recorded a new record plat prior to the issuance of a use and occupancy permit;
6. Applicant is to receive a Certificate of Approval from the Historic District Commission;
7. Applicant is to work with staff on determining the need to provide maximum site protection for the historic garage; and
8. Applicant is to work with staff to enhance site visibility and parking.

Vote: 5-0

CSP-06-003 -- One Bank Street
1 Bank Street
One-Story Bank with Drive-Thru Lane
CONCEPT PLAN REVIEW

C-2 Zone

Community Planning Director Schwarz located the site.

Engineer for the applicant, Paul Newman, Macris, Hendricks & Glascock, presented a colored site plan and discussed site limitations, access, circulation, and drive-thru driveways. He noted the enhanced parking lot would necessitate waivers of green space and parking stall width. He noted that at the next submittal, the proposals for landscaping, storm water management, sidewalk addition and stacking lane at the median would be subject to a more in-depth review.

There was no testimony from the public.

Community Planning Director Schwarz listed staff's recommended conditions and answered questions of Vice-Chair Levy concerning parking space width requirements.

Chair Bauer noted this plan is consistent with the Master Plan, but noted that the architectural design of the bank needs to respond specifically to this site. Commissioner Hopkins agreed, pointing out the prominence of the site due to its gateway location. Commissioner Winborne did not favor the parking waiver for the stall width. Chair Bauer recommended including data on the parking count and width needs at the next level of review.

Commissioner Kaufman moved, seconded by Vice-Chair Levy, to grant CSP-06-003 - One Bank Street, CONCEPT PLAN APPROVAL, with the following conditions:

1. Applicant is to submit new record plats for each parcel prior to the submission of final site plan;
2. Final forest conservation plan is to be approved before the submission of final site plan;
3. Applicant is to submit a sign package for both buildings before the issuance of a final use and occupancy permit; and
4. Applicant is to comply with all WSSC requirements.

Vote: 5-0

AFP-06-049 -- King Kia Dealership
953 North Frederick Avenue
Sign Revision
AMENDMENT TO FINAL PLAN REVIEW

C-2 Zone

Planner Marsh located the site and introduced the applicant.

Applicant representative Guy Bami, Gelbert Sign Company, presented the proposed plan to replace the existing interior-lit pole Suzuki sign with a 10'x5' monument opaque Kia sign, which would be five feet lower than the existing sign. He discussed the sign dimensions and elevations and noted the proposed double-face logo would be illuminated. Mrs. Schwarz noted that in accordance with the Sign Ordinance, the white background of the logo should not be illuminated. In response to Vice-Chair Levy, Mr. Bami indicated the proposed height of 10 feet is the standard in the industry and making the sign eight feet high, as required by the Code, would not be cost effective.

There was no testimony from the public.

Ms. Marsh stated the plan complies with the City Code approval criteria, subject to the applicant's compliance with the condition that she listed.

Planning and Code Administration Director Ossont referenced the Staff Comments, which had indicated some site limitations in terms of grading and context, and noted there are precedents for allowing an exception to the height regulation. Chair Bauer noted the proposed sign meets the intent of the new Sign Ordinance with the opaque white background of the logo. Vice-Chair Levy added that the plan would not be a hazard to pedestrian or vehicular traffic, or affect negatively the health, safety and welfare of the general public.

Vice-Chair Levy moved, seconded by Commissioner Winborne, to grant AFP-06-049 – King Kia Dealership, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170, 24-172, and 24-212(m)(2), with the following conditions:

1. Applicant is to receive approval letters from the utility companies for the sign location before the issuance of sign permits; and
2. Applicant is to revise the sign drawings to reflect the white background to be opaque and non-illuminated.

Vote: 5-0

AFP-06-025 -- Watkins Mill Town Center MXD Zone
Metropolitan Grove Road
Architectural Revisions for the Vanderbilt Model
AMENDMENT TO FINAL PLAN APPROVAL

Planner Marsh provided background information regarding this project, noting this plan relates to conditions of Final Plan SP-06-0013, approved in May 2006.

Engineer for the applicant, Gary Unterberg, Rodgers Consulting, presented the plan, the previously submitted and the proposed revised elevations, noting the new elevations have a more traditional design. He discussed the materials, which included brick or brick/siding, and noted the option of shutters.

There was no testimony from the public.

Commissioner Hopkins did not favor the proposed elevation with shutters, nor the false window in the gables, noting they were unattractive. He suggested using round vents instead. Chair Bauer was concerned over the imbalanced effect of the windows, as they were not equidistant from the sides.

Ms. Marsh stated the plan meets the approval criteria of the Zoning Ordinance, and voiced staff's recommendation for approval. The Commission discussed the language of additional conditions to reflect their discussion and moved as follows:

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to grant AFP-06-025 - Watkins Mill Town Center, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§24-170 and 24-172, with the following conditions:

1. Applicant shall submit the Vanderbilt option without shutters as chosen by the Planning Commission;
2. Applicant shall revise the window placement on the side elevations of the Vanderbilt units to be approved by staff;
3. Applicant shall replace the Vanderbilt top gable window with a circular architectural trim feature on the side elevations to be approved by staff.

Vote: 5-0

IV. FROM THE COMMISSIONVice-Chair Levy

Thanked the Mayor and Council for appointing an Alternate to the Planning Commission.

Chair Bauer

1. Introduced Geri Lanier as the new Alternate to serve on the Planning Commission, noting she would be taking her Oath of Office at the December 4, 2006, City Council meeting.
2. Suggested including planning issues associated with placement of portable classrooms on school sites within the City in the upcoming Master Plan discussions.
3. Recommended having a working dinner with the City Council in view of the complex projects in the coming year.

V. FROM STAFFCommunity Planning Director Schwarz

Listed upcoming joint meetings.

Planning and Code Administration Director Ossont

Listed two non-agenda items that were included in the Commission's packages for this meeting regarding the Washingtonian Marriott elevations changes (AFP-06-021) and a document on changes to the State of Maryland planning and zoning.

VI. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 9:40 p.m.

Respectfully submitted,

M. Gonzalez
Recording Secretary